

## **REMARKS**

The Notice to Comply with the Sequence Rules states that this application fails to comply with the requirements of 37 C.F.R. §§1.821 – 1.825 because the sequences listed in the disclosure are not the same as the sequences found in the computer readable form (CRF). Furthermore, the Notice to Comply states that the complement sequences recited in Figures 5, 7, and 9 must be accompanied by a proper sequence identifier number. The Applicant respectfully traverses these objections.

### **I. Objections to Sequences Listed in the Disclosure**

The Notice to Comply states that sequences listed in the disclosure are not the same as the sequences found in the CRF. The Notice states that the specification at page 29, line 17 recites SEQ ID NO:11 as SFSQNPPVLKRHQR, while the CRF recites that SEQ ID NO:11 as SFAQNSRPPSASAPKPPVLRHQR. Paragraph [0121] of the printed application (page 29, lines 16-29 of the originally submitted application) has been amended to correct a typographical error that provided the wrong sequence identification number for the sequence listed in the specification. The paragraph, as amended, now provides that the sequence identifier is “SEQ ID NO: 9” and not “SEQ ID NO: 11.” Thus, the sequence listed in the disclosure as SEQ ID NO: 9 corresponds with the sequence listing presented in the CRF. No new matter has been added by this amendment.

The Notice to Comply further states that Figure 1A in the specification recites that the human factor VIII polypeptide sequence begins with the amino acid sequence, MQIELSTCFF, whereas the CRF recites that the sequence begins with the amino acid sequence, ATRRYYLGA V. Figures 1A-1H taken together provide and aligned amino acid sequence comparison of the human (SEQ ID NO: 6), porcine (SEQ ID NO: 2), and mouse (SEQ ID NO: 8) factor VIII polypeptide sequences.

SEQ ID. NO: 6 was corrected and now the CRF recites the same sequence as the sequences listed in the disclosure. No new matter was added by this amendment. This Response is further accompanied by a substitute CRF copy of the “Sequence Listing,” a paper copy of the “Sequence Listing,” and a statement that the content of the

paper and computer readable copies are the same and include no new matter as required by 37 C.F.R. 1.821.

## II. Objections to Figures 5, 7, and 9

The Notice to Comply also stated the complement sequences recited in Figures 5, 7, and 9 were not accompanied by a proper sequence identifier number. While 37 C.F.R. § 1.821(b) requires “exclusive conformance . . . with the sequence rules for all applications that include nucleotide and amino acid sequences,” this requirement “may be relaxed for drawing figures.” MPEP § 2422.02. Further, one may comply with the rules by presenting the sequence identifier number “either in the drawing or in the Brief Description of the Drawings.” *Id.* Section 2422.02 of the Manual of Patent Examining Procedures applies “regardless of the format or the manner of presentation of that sequence in the drawing.” *Id.*

Figures 5, 7, and 9 provide the nucleotide sequence encoding for the factor VIII<sub>SEP</sub> polypeptide designated as HP44/OL, HP46/SQ, and HP47/SQ, respectively. The Brief Description of the Drawings identifies SEQ ID NO: 14 as the sequence depicted in Figure 5, SEQ ID NO: 16 as the sequence depicted in Figure 7, and SEQ ID NO: 18 as the sequence depicted in Figure 9. Thus, the complement sequences recited in Figures 5, 7, and 9 are properly identified by a sequence identifier number.

The Applicant respectfully asks that the Examiner withdraw the objections of Figures 5, 6, and 7, and to find the application in compliance with the sequence rules.

### SUMMARY

Applicant respectfully submits that the present application is now in condition for allowance, and respectfully requests same. If, for any reason, the Examiner feels a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned at (312) 245-5319.

Respectfully submitted,

A handwritten signature in cursive script, reading "C. Noel Kaman", written over a horizontal line.

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